

**Judicial Council of California**  
**Trial Court Facility Modifications Working Group**  
**Meeting Report**  
**April 27, 2005**  
**10:00 a.m. – 3:00 p.m.**

The Trial Court Facility Modifications Working Group meeting began at 10:00 a.m. on Thursday, April 27, 2006 at the Administrative Office of the Courts (AOC) Northern Central Regional Office (NCRO) in Sacramento, California. This meeting was organized and administered under the direction of the [December 2, 2005 Judicial Council of California Report on Facility Modifications Prioritization \(Judicial Council Report\)](#).

**Members Participating:** From the Superior Court of California, Hon. Stephen A. Sillman, Presiding Judge, Monterey County (subsequently appointed Chair); Hon. David Edwin Power, Presiding Judge, Solano County; Hon. Edward Forstenzer, Judge, Mono County; Hon. Allan J. Preckel, Judge, San Diego County; Ms. Tressa S. Kentner, Court Executive Officer, San Bernardino County; Mr. John Mendes, Court Executive Officer, Placer County; Mr. Harold E. Nabors, Court Executive Officer, Madera County.

**Members Absent:** None

**Staff Present:** From the AOC, Office of Court Construction and Management (OCCM) and compliment AOC staff, Ms. Kim Davis, Director; Mr. Burt Hirschfeld, Assistant Director; Mr. Lee Willoughby, Assistant Director; Ms. Gisele Corrie, Manager; Mr. Nick Cimino, Regional Manager; Mr. Ken Kachold, Regional Manager; Mr. Gerald Pfab, Regional Manager; Ms. Gwen Arafiles, Analyst; Mr. Bennett Gilbert, Analyst; Mr. Patrick Fagan, Inventory Controller; Mr. Keith Kanda, Administrative Coordinator.

### **Meeting Overview**

After brief introductions and a history regarding the development of the facility modifications policy provided by Ms. Davis, Mr. Pfab offered the meeting agenda to: review the definitions of the term *facility modifications*; review the objectives of the Trial Court Facility Modifications Working Group (Working Group); evaluate the proposed facility modifications collection and scoring process; evaluate the overall prioritization and ranking process; review the budget and allocation methodology; evaluate and recommend the facility modifications list; and prepare a report for the Interim Panel.

### **Facility Modifications Defined**

Mr. Pfab reviewed the definition of facility modifications specified by the Judicial Council Report, which states that a facility modification is:

(g)enerally a planned, physical modification to a facility component or components that restores or improves the designed level of service of a facility, or facility components. Facility modifications are not Routine Maintenance & Repair Work or Capital Outlays.

*Issues Identified by the Working Group:*, some of the Working Group members felt that the policy could be more clear and could potentially include routine maintenance and repair items. The question of project budget limits was discussed and clarified that there is no cap on individual project amounts.

### **Working Group Goals**

Mr. Pfab reviewed the three operating objectives of the Working Group, which are to: establish a fair and balanced approach to allocation of facility modifications statewide; leverage statewide resources to greatest needs; validate the methodology for ranking facility modifications; plan the allocation of available funds.

*Issues Identified by the Working Group:* After a few clarifications of terms provided by Mr. Pfab, the Working Group and staff agreed with these objectives.

### **Prioritization and Ranking Process**

Mr. Pfab explained the prioritization process set forth by the Judicial Council Report and utilized by OCCM:

1. OCCM consults with trial court executives and court facility staff on needs and also independently assesses technical facility conditions.
2. OCCM collects, collates, and preliminarily ranks all facility modifications identified into a Master List.
3. The Trial Court Working Group meets and reviews the Facility Modifications Master List, validates the proposed prioritized listing; reviews and recommends budget allocations.
4. The Working Group compiles a report comprised of the Master List, methodology and budget allocation, and posts the report onto Serranus for comment.
5. Comments are collected and responses are included in the report, which is submitted to Interim Court Facilities Panel (Interim Panel).
6. Interim Panel reviews Working Group recommendations, approves the upcoming or current fiscal year work items and recommends to the Council the amount for the following fiscal year's facility modifications budget.

*Issues Identified by Working Group:* Members were concerned about the level of their expected involvement in evaluating each request. Staff proposed that with an accepted methodology, the members will not review each item but ensure that the collection of the requests and resulting Master List were conducted thoroughly and fairly, and only anomalies in individual projects in the list would be reviewed in greater detail.

### **Facility Modifications List Collection Process**

Mr. Pfab explained that the collection process is administered by the Facilities Management Unit (FMU) of the OCCM. FMU management and staff contact and visit court executives and facility-

related court staff of those courts that have transferred responsibility or title to the AOC, or are nearing transfer of responsibility or title to the AOC, in order to identify needed facility modifications. FMU management and staff assess the buildings from two perspectives: (1) court operations, i.e., examining functional requirements, safety requirements, ADA and code issues, and aesthetic conditions; (2) building infrastructure, i.e., examining physical plant equipment, major facility systems (electrical, mechanical, structural), interior and exterior building systems (roof, wall, floor, landscaping, road, sidewalks, parking).

*Issues Identified by Working Group:* Ms. Kentner had a primary concern regarding how potential misunderstandings as to what constitutes a facility modification could lead to some inaccuracies within the project list during the collection process. She stated that she would like to see the courts have the opportunity to review the project list following the collection process. Mr. Nabors stated that he would like to see advocacy on behalf of the courts to get the county to perform some of the more critical modifications on the list.

Judge Power advised that if any projects have been or will be completed by the court or county and a corresponding item removed from the list, that this be verified and noted. OCCM will ensure that all projects will be reviewed prior to the commencement of work in order to ensure that projects still need to be performed. Mr. Mendes advised that funding for a specific project be clearly restricted to use for the approved project. Since these funds are only at the disposal of the AOC, this will be ensured.

### **Priority Categories**

The six priority categories for facility modifications as specified in the Judicial Council Report (in highest to lowest order of criticality) are: (1) immediately or potentially critical; (2) necessary, but not yet critical; (3) recommended; (4) does not meet current codes or standards; (5) beyond rated life, but serviceable; (6) hazardous materials managed, but not abated. Mr. Pfab provided some examples of each category for clarification purposes.

*Issues Identified by Working Group:* There were no comments.

### **Scoring System/Ranking Methodology and Facility Modification List Review**

The proposed scoring system used to establish the facility modification category was explained. The scoring system is based upon the nine evaluative criteria set forth in the Judicial Council Report with one criterion (Transfer Status) added by the AOC. The following list of the ten criteria described in greater detail:

- Priority
- Justification and Effect on the Court
- Safety, Security, Risk Management
- Funds
- Equity among Courts
- Feasibility
- Cost/Benefit
- Design Status

- Planned Projects
- Transfer Status

*Issues Identified by Working Group:* Several of the Working Group members pointed out that there are some inconsistencies within the scoring system that cause some criteria to either cancel each other out or unduly penalize certain (particularly larger) courts. For example, projects that are high cost get penalized and pushed lower down on the list. In many ways this will penalize a larger court whose capital projects will tend to cost significantly more due to their size. Further, while projects that are already designed are given a better score (design status), buildings that have planned replacement or renovation capital projects (planned projects) push the project for that building lower down on the list.

Ms. Davis explained that the policy adopted by the Council did not direct that the criteria be used as a means of scoring projects; rather, the criteria were meant to be guidelines that the Working Group use to prioritize and propose budget allocations for facility modifications. Ms. Davis suggested that a simplification of the scoring be considered.

Ms. Davis suggested that for some criteria an “applies/does not apply” type of scoring method be employed rather than a numerical scoring system. This approach would tally the criteria to aid the Working Group in prioritization as opposed to giving each criterion a specific numerical score. The Working Group members advised against having no measured system of rating projects for two reasons: (1) because it does not allow the flexibility for the scoring to be changed and weighted to reflect changes in the goals of the Working Group (for example, if the Working Group wanted to put more emphasis on *safety, security, and risk management* as opposed to *equity among courts*); (2) a numerical scoring system will provide a more quantifiable methodology that would demonstrate the rationale behind the ranking of facility modifications.

From this discussion it was decided that a blended (both “applies/does not apply” and numerical scoring) method be produced for the sake of efficiency of administering the process, and to reflect a quantifiable and objective system which could be adjusted to reflect the goals of the Working Group. Below is a summary of the proposed changes:

1. Remove the multiplier of 5 from the *Priority Score*, and group facility modifications by *Priority Category*. All other criteria should be used to rank projects within each *Priority Category*.
2. *Justification and Effect on Court* scoring range should be increased to 5-50 from the current to 5-25 point range.
3. Both *Planned Projects* and *Transfer Status* criteria have scoring removed and changed to an “applies/does not apply” type system.

Several of the Working Group members also expressed that some projects on the facility modifications list seem to overlap with projects from lists developed by other groups within the AOC (specifically, the Emergency Response and Security unit). Judge Power requested that information from that program be included in the evaluations conducted by the AOC and the Working Group.

## **Budget Allocation and Funding**

Approximately eight million dollars (\$8,000,000) has been approved by the Department of Finance as an ongoing, annual base budget for facility modifications. The funding can only be used for transferred facilities and baseline budget increases can be requested as future needs are identified.

The AOC proposes to divide the funds into three categories: five percent (5%) to Priority 1, (immediately or potentially critical conditions); forty percent (40%) into Priority 2-6 planned requirements; and fifty-five percent (55%) into Priority 2-6 unforeseen or out of cycle conditions. The rationale behind the allocation proposed for the second and third categories is that there should be a reserve to address emergencies, and a larger set aside to provide flexibility to manage changing conditions and unforeseen situations, especially during the transfer process still underway.

*Issues Identified by Working Group:* Mr. Nabors and Judge Power questioned why such a large set aside was proposed. It was explained by Ms. Davis and Mr. Hirschfeld that this is for unscheduled transfers that may occur over the next year as well as any other potential issues that could arise such as a rise in building maintenance and utility costs, inflation, unforeseen design costs, etc. Over time, as more facilities transfer to the state, staff expects that the allocation for unforeseen and out-of-cycle needs would contract. The Working Group accepted this rationale and did not provide further comment.

## **Recommendations and Action Items**

The primary purpose of the Working Group was to approve a prioritization and ranking methodology; approve the proposed budget allocation; and tentatively approve the Facility Modifications Master List pending the revisions discussed within this report. As a result, the Working Group requested the following revisions and actions be instituted:

1. That the AOC make changes to the Methodology for Prioritizing and Ranking Facility Modifications (attached) to reflect the comments of the group and that a revised Facility Modifications Master List (attached) be developed utilizing the new scoring system.
2. Frequently used budget terminology be included for reference (in progress).
3. That the AOC proposed budget allocation be adopted (included in Prioritization and Ranking Methodology).

### *Meeting Times*

No forthcoming meeting time was firmly established. Upon revision of the proposed Master List, this will be circulated to the Working Group members for approval prior to Serranus posting. The AOC will contact the Working Group for further meeting times and to discuss action items.

### *Staff Contacts*

Mr. Burt Hirschfeld, Mr. Gerald Pfab, and Mr. Keith Kanda are identified as the staff contacts for the Working Group to direct their questions, concerns, and comments.

The Trial Court Facility Modifications Working Group adjourned at 3:00 PM.

Respectfully submitted,

---

Gerald Pfab  
Northern/Central Regional Manager, Facilities Management  
Office of Court Construction and Management  
and Staff to the Appellate Facility Modifications Working  
Group